

49. The computer program product according to claim 43, wherein the clients are classified into a plurality of groups, and the product further comprises fourteenth computer readable program code means for discriminating a group to which a client belongs,

wherein said first computer readable program code means is disabled for a client which belongs to a first group.

50. The computer program product according to claim 43, wherein the clients are classified into a plurality of groups, and the product further comprises fifteenth computer readable program code means for discriminating a group to which a client belongs,

wherein said first computer readable program code means is disabled for a client which belongs to a first group, and the second predetermined period is shorter for a client which belongs to a second group than for a client which belongs to a third group.

REMARKS

Status of the Claims

Claims 1-50 are pending in the application. Claims 1-50 have been rejected.

Claims 1-28, 30, 34, 35, 37, 38, and 43-50 are herein amended.

The specification has been amended to correct minor grammatical errors. Claims 3, 6, 9, 18, 24, 30, 34, 35, 37, 38, 44, 45 and 47-50 have been amended to correct minor grammatical errors and misspellings. Claims 1, 13, 15, 16, 28, 30, 31, 43, 45 and 46 are herein amended to recite "internet" instead of "the network". Support for these amendments is found in the specification at p. 6, lines 15 and 17 and p. 8, line 24. Claim 1 is herein amended to recite "a first output device which outputs an image and a second output device which outputs information which is independent of the image outputted by said first output device" instead of "said first output means and said second output means." The last element of claim 43 has been amended to

recite “fourth computer readable program code means for switching from said second computer readable program code means to said first computer readable program code means after a second predetermined period has elapsed.” Support for this amendment is found in the specification at p. 16, line 5 – p. 17, line 6 and Fig. 7. No new matter has been added.

Objections to Drawings

The drawings of Figs. 1, 3 and 9 were objected to on the grounds that drawings should be labeled with descriptive texts. Applicants herewith submit proposed corrected drawings for Figs. 1, 3 and 9 showing labels of enumerated features. Formal drawings of these figures are also herewith submitted.

Claim Rejections under 35 U.S.C. §102

Claim 1 was rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 6,166,729 (“Acosta”). Applicants’ invention is directed to an image down-loading apparatus and system, and image down-loading method for down-loading a moving image, such as a live image to a terminal or terminals connected to a computer network via the computer network. (See Specification, p. 1, lines 8-12.) An object of the invention is to prevent the image from being plagiarized. (See Specification, p. 2, lines 15-20.) In one embodiment, this is accomplished by inserting into the moving image information which is independent of the moving image while the moving image is being down-loaded. (See Specification, p. 14, line 23 – p. 15, line 5.)

Claim 1 recites the following:

1. An image down-loading apparatus capable of down-loading an image to a plurality of clients via internet, comprising:
 - a switch for switching between a first output device which outputs an image and a second output device which outputs information which is independent of the image outputted by said first output device; and

a switch controller for controlling said switch,
wherein said switch controller controls said switch so as to select
said second output device for a first predetermined period after said first output
device is selected for a second predetermined period.

Thus, claim 1 requires that the switch controller controls the switch to select the
second output device for a first predetermined time after having selected the first output device
for a second predetermined period. In other words, the switch controller selects the signal from
the first output device for a second predetermined period, then selects the signal from the second
output device for a first predetermined period. In this manner, information which is independent
of the image is inserted into the moving image while the image is being down-loaded, and those
who would otherwise be able to plagiarize a continuously downloaded image are thwarted.

Acosta is directed to a remote viewing system for viewing digital images of
remote locations. Digital image acquisition devices are located at a plurality of remote locations
and connected to a digital image receiving device through a plurality of digital image
transmission devices. The digital image receiving device is connected to a digital image server
device, which is connected to a network such as the Internet, through which a network-enabled
computer can access select ones of the digital images. (*See Abstract.*)

With respect to the switch controller, the Examiner points to the Business
Manager within the COVMS of Acosta. The Examiner states,

a Business Manager within the COVMS 16 acts as a switch
controller in this scenario because it handles all of the fundamental
operations of the COVMS 16 internally, i.e., acts as a switch in
switching outputs to a plurality of viewers (col.8/lines 12-15) as
well as externally, i.e., in communicating with other COVMSs,
customer connections and web site connections (col. 12, line 57 to
col. 13/line 21) and the operation of the COVMS 16 is based on
the queues setting by a timer for setting predetermined periods in
selecting first output or second output or any other output to

viewer as preferred (see Fig. 16, and col. 14/line23 to col. 15/line 51 for more details.

(Office Action, p. 3, lines 6-13).

Claim 1 was rejected under 35 U.S.C. §102 as being anticipated by Acosta.

However, Acosta does not disclose “a switch controller for controlling said switch, wherein said switch controller controls said switch so as to select said second output device for a first predetermined period after said first output device is selected for a second predetermined period.” Applicants point out that there is no disclosure in Acosta that the COVMS acts as a switch to select the first output means for a second predetermined period and then second output means for a first predetermined period. Acosta does not address the selection of any output means for any set period of time, after which a second output means is selected for another set period of time. Applicant does not find disclosure in Acosta to support the Examiner’s statement that “the operation of the COVMS 16 is based on the queues setting by a timer for setting predetermined periods in selecting first output or second output.” Referring to Fig. 16, the timer in step 324 to which the Examiner refers appears to trigger step 326 “Service WSCM Queues” and in step 328 to trigger step 330 “Tabulate Commercial Wireless Network Usage.” Neither steps 326 nor 330 includes the selection of a “second output means for a first predetermined period after said first output means is selected for a second predetermined period.” At least for this reason, Applicants submit that Acosta neither anticipates nor renders obvious claim 1.

Independent claim 13 contains a similar recitation of a switch and “a switch controller for controlling said switch, wherein said switch controller controls said switch so as to select said second down-loading device for a first predetermined period after said first down-loading device is selected for a second predetermined period.” Independent method claim 28

includes recitation of a “first switching step of switching from said first down-loading step to said second down-loading step after a first predetermined period has elapsed; and a second switching step of switching from said second down-loading step to said first down-loading step after a second predetermined period has elapsed.” Independent system claim 43 as amended herein includes a recitation of “third computer readable program code means for switching from said first computer readable program code means to said second computer readable program code means after a first predetermined period has elapsed; and fourth computer readable program code means for switching from said second computer readable program code means to said first computer readable program code means after a second predetermined period has elapsed.”

Applicants submit that, based on these recitations, the arguments offered *supra* apply equally well to these claims, and at least for this reason, claims 13, 28 and 43 are not anticipated or rendered obvious by Acosta. Having distinguished the independent claims over the cited prior art reference, Applicants have necessarily also distinguished the dependent claims for at least similar reasons. Thus Applicants do not at this point address the individual dependent claims, but reserve the right to do so in the future should this become necessary.

CONCLUSION

For the above-stated reasons, this application is respectfully asserted to be in condition for allowance. Applicants respectfully request an early and favorable examination on the merits. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

AUTHORIZATION

No extension of time is believed necessary to render this amendment timely filed. However, should such an extension of time become necessary, Applicants hereby petition the Commissioner for such extension. The Commissioner is hereby authorized to charge any additional fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 1232-4480.

Respectfully submitted,

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APPENDIX:
AMENDMENTS SHOWING INTERLINEATIONS AND DELETIONS

In the Specification:

At page 7, amend the first full paragraph as follows:

First in step S10, the web server 26 waits for a request for an image from the terminal 30. When an image is requested, the web server 26 controls the switch 24 to select the output from the camera 20 to start providing an image sensed by the camera 20 as well as resets and starts an internal timer in step S11. Then in step S12, the web server 26 waits until a predetermined period (in the above example, 55 seconds) elapses while down-loading the image. After the predetermined period elapses, then in step S13, the web server 26 controls the switch 24 to select the output from the image server 22 to start down-loading information stored in the image server 22, as well as resets and starts the internal timer. In step S14, the web server 26 waits until a predetermined period (in the above example, 5 seconds) elapses while down-loading the information, and after the predetermined period elapses, the process proceeds to step S15. In step S15, whether or not the communication is disconnected is determined, and if yes, the process is completed; whereas if not, the process returns to step S11 and steps S11 to S15 are repeated.

At page 8, amend the third full paragraph as follows:

It takes several seconds from the time terminal 30 accesses of the camera 20 (and the image server 22) until the first image is provided. Accordingly, it is possible to cause the terminal 30 to display advertisement down-loaded in the last communication during this period.

At page 9, amend the second full paragraph as follows:

The camera server 40 has a CPU 46, main memory 48, secondary storage device 50, a network interface 52, a video camera 54, a camera controller 56 for controlling the camera 54, a timer 58, and a video capture 60 for capturing an image signal outputted from the video camera 54. The camera controller 56 [control] controls the image sensing direction (i.e., panning and tilting) and magnification ratio (i.e., zooming) of the camera 54. The secondary storage device 50 stores a control program executed by the CPU 46, image information of advertisement which is inserted between images sensed by the camera 54, and so on. Namely, the secondary storage device 50 corresponds to the image server 22 in Fig. 1. The CPU 46 switches between an image sensed by the camera 54 and an image of advertisement stored in the secondary storage device 50 at predetermined intervals by referring to the timer 58. Namely, the CPU 46 functions as the switch 24 in Fig. 1.

At page 10, amend the third full paragraph as follows:

In Fig. 2, an internal configuration of the client 42a is shown, and the clients 42b and 42c have the same configuration as the client 42a. More specifically, each of the clients 42a, 42b, and 42c has a CPU 62, main memory 64, a secondary storage device 66, a bitmap display 68, an input device 70, such as a keyboard and mouse, and a network interface 72. The clients 42a, 42b, and 42c respectively request the camera server 40 to transmit an image, receive compressed image data, [expands] expand the compressed image data, and [displays] display the image on the bitmap display 68.

At page 11, amend the second full paragraph as follows:

According to the first embodiment as described above, advertisement is displayed between images sensed by the camera 54 at predetermined intervals. In such a case, the period

of the advertisement may be too long or too short depending upon a user. Accordingly, it is preferable to configure the system so that the period for down-loading the advertisement is set long in default, and the user can switch to an image sensed by the camera 54 after the advertisement is down-loaded, after a predetermined period. To realize this configuration, a switch button 76 is provided along with advertisement image, as shown in Fig. 4. The switch button 76 is activated after a predetermined time has elapsed since the advertisement started to be displayed. When the user operates the activated switch button 76, the client 42a, 42b, or 42c outputs a request to the camera server 40 to transmit an image sensed by the camera 54. In response to the request, the camera server 40 down-loads an image sensed by the camera 54 via the network 44 instead of the advertisement stored in the secondary storage device 50.

At page 12, amend the first full paragraph as follows:

Fig. 6 is a flowchart showing a processing sequence of the aforesaid operation performed by the web server 26 (or the camera server 40). Note, in Fig. 6, the same processes as those in Fig. 5 are referred to by the same step numbers, and explanations of those are omitted. Fig. 6 differs from Fig. 5 in the processes subsequent to step S13 in which information (e.g., advertisement) from the image server 22 starts to be down-loaded.

In the Claims:

1. (Amended) An image down-loading apparatus capable of down-loading an image to a plurality of clients via [a network] internet, comprising:
[first output means for outputting an image;

second output means for outputting information which is independent of the image outputted by said first output means;]

a switch for switching between [said first output means and said second output means] a first output device which outputs an image and a second output device which outputs information which is independent of the image outputted by said first output device; and

a switch controller for controlling said switch,

wherein said switch controller controls said switch so as to select said second output [means] device for a first predetermined period after said first output [means] device is selected for a second predetermined period.

2. Amended) The image down-loading apparatus according to claim 1, wherein, when a request for down-loading of the image to be outputted by said first output [means] device is received while said second output [means] device is selected after a third predetermined period has elapsed since said switch switched from said first output [means] device to said second output [means] device, said switch controller controls said switch so as to switch from said second output [means] device to said first output [means] device.

3. (Amended) The image down-loading apparatus according to claim 1, wherein the clients are classified into a plurality of groups, and the image down-loading apparatus further comprises a discrimination [means for discriminating] unit adapted to discriminate a group to which a client belongs,

wherein said switch controller [control] controls said switch so as to make the first predetermined period shorter for a client which belongs to a first group than for a client which belongs to a second group.

4. (Amended) The image down-loading apparatus according to claim 3, further comprising memory for storing information on clients,

wherein said discrimination [means] unit discriminates a client as belonging to the first group when the information on the client is stored in said memory, and discriminates a client as belonging to the second group when the information on the client is not stored in said memory.

5. (Amended) The image down-loading apparatus according to claim 3, wherein said discrimination [means] unit discriminates a client as belonging to the first group when the client enters a correct password, and discriminates a client as belonging to the second group otherwise.

6. (Amended) The image down-loading apparatus according to claim 1, wherein the clients are classified into a plurality of groups, and the image down-loading apparatus further comprises discrimination [means] unit for discriminating a group to which a client belongs,

wherein said switch controller [control] controls said switch so as to keep selecting said first output [means] device for a client which belongs to a first group.

7. (Amended) The image down-loading apparatus according to claim 6, further comprising memory for storing information on clients,

wherein said discrimination [means] unit discriminates a client as belonging to the first group when the information on the client is stored in said memory, and discriminates a client as belonging to a second group when the information on the client is not stored in said memory.

8. (Amended) The image down-loading apparatus according to claim 6, wherein said discrimination [means] unit discriminates a client as belonging to the first group when the client enters a correct password, and discriminates a client as belonging to the second group otherwise.

9. (Amended) The image down-loading apparatus according to claim 1, wherein the clients are classified into a plurality of groups, and the image down-loading apparatus further comprises a discrimination [means for discriminating] unit adapted to discriminate a group to which a client belongs,

wherein said switch controller [control] controls said switch so as to keep selecting said first output [means] device for a client which belongs to a first group, and to make the first predetermined period shorter for a client which belongs to a second group than for a client which belongs to a third group.

10. (Amended) The image down-loading apparatus according to claim 1, wherein the image outputted by said first output [means] device is a moving image.

11. (Amended) The image down-loading apparatus according to claim 10, wherein the image outputted by said first output [means] device is an image being sensed by a video camera.

12. (Amended) The image down-loading apparatus according to claim 1, further comprising memory for storing information,

wherein the information to be outputted by said second output [means] device is the information stored in said memory.

13. (Amended) An image down-loading system capable of down-loading an image to a plurality of clients via [a network] internet, comprising:

a first down-loading [means for down-loading] device which down-loads an image;

a second down-loading [means for down-loading] device which down-loads information which is independent of the image down-loaded by said first down-loading [means] device;

a switch for switching between said first down-loading [means] device and said second down-loading [means] device; and

a switch controller for controlling said switch,

wherein said switch controller controls said switch so as to select said second down-loading [means] device for a first predetermined period after said first down-loading [means] device is selected for a second predetermined period.

14. (Amended) The image down-loading system according to claim 13, wherein the clients have memory for storing the information down-loaded by said second down-loading [means] device, and while said switch selects said second down-loading [means] device, the clients display the information stored in said memory.

15. (Amended) The image down-loading system according to claim 13, wherein the clients have memory for storing the information down-loaded by said second down-loading [means] device, and since a communication path is established on the [network] internet until the image to be down-loaded by said first down-loading [means] device [start] starts to be down-loaded, the clients display the information stored in said memory.

16. (Amended) The image down-loading system according to claim 13, wherein the clients have memory for storing the information down-loaded by said second down-

loading [means] device, and after a communication path on the [network] internet is disconnected, the clients display the information stored in said memory.

17. (Amended) The image down-loading system according to claim 13, wherein, when a request for down-loading of the image to be down-loaded by said first down-loading [means] device is received while said second down-loading [means] device is selected after a third predetermined period has elapsed since said switch switched from said first down-loading [means] device to said second down-loading [means] device, said switch controller controls said switch so as to switch from said second down-loading [means] device to said first down-loading [means] device.

18. (Amended) The image down-loading system according to claim 13, wherein the clients are classified into a plurality of groups, and the image down-loading system further comprises a discrimination [means for discriminating] unit adapted to discriminate a group to which a client belongs,

wherein said switch controller [control] controls said switch so as to make the first predetermined period shorter for a client which belongs to a first group than for a client which belongs to a second group.

19. (Amended) The image down-loading system according to claim 18, further comprising memory for storing information on clients,

wherein said discrimination [means] unit discriminates a client as belonging to the first group when the information on the client is stored in said memory, and discriminates a client as belonging to the second group when the information on the client is not stored in said memory.

20. (Amended) The image down-loading system according to claim 18, wherein said discrimination [means] unit discriminates a client as belonging to the first group when the client enters a correct password, and discriminates a client as belonging to the second group otherwise.

21. (Amended) The image down-loading system according to claim 13, wherein the clients are classified into a plurality of groups, and the image down-loading system further comprises a discrimination [means for discriminating] unit adapted to discriminate a group to which a client belongs,

wherein said switch controller [control] controls said switch so as to keep selecting said first down-loading [means] device for a client which belongs to a first group.

22. (Amended) The image down-loading system according to claim 21, further comprising memory for storing information on clients,

wherein said discrimination [means] unit discriminates a client as belonging to the first group when the information on the client is stored in said memory, and discriminates a client as belonging to a second group when the information on the client is not stored in said memory.

23. (Amended) The image down-loading system according to claim 21, wherein said discrimination [means] unit discriminates a client as belonging to the first group when the client enters a correct password, and discriminates a client as belonging to the second group otherwise.

24. (Amended) The image down-loading system according to claim 13, wherein the clients are classified into a plurality of groups, and the image down-loading system

further comprises a discrimination [means for discriminating] unit adapted to discriminate a group to which a client belongs,

wherein said switch controller [control] controls said switch so as to keep selecting said first downloading [means] device for a client which belongs to a first group, and to make the first predetermined period shorter for a client which belongs to a second group than for a client which belongs to a third group.

25. (Amended) The image down-loading system according to claim 13, wherein the image down-loaded by said first down-loading [means] device is a moving image.

26. (Amended) The image down-loading system according to claim 25, wherein the image down-loaded by said first down-loading [means] device is an image being sensed by a video camera.

27. (Amended) The image down-loading system according to claim 13, further comprising memory for storing information, wherein the information to be down-loaded by said second down-loading [means] device is the information stored in said memory.

28. (Amended) An image down-loading method capable of down-loading an image to a plurality of clients via [a network] internet, comprising:

a first down-loading step of down-loading an image;

a second down-loading step of down-loading information which is independent of the image down-loaded in said first down-loading step;

a first switching step of switching from said first down-loading step to said second down-loading step after a first predetermined period has elapsed; and

a second switching step of switching from said second down-loading step to said first down-loading step after a second predetermined period has elapsed.

30. (Amended) The image down-loading method according to claim 28, further comprising:

a step of causing a client to store the information down-loaded in said second downloading step; and

a step of displaying the stored information for a period since a communication path is established on the [network] internet until the image to be down-loaded in said first down-loading step starts to be down-loaded.

31. (Amended) The image down-loading method according to claim 28, further comprising:

a step of causing a client to store the information down-loaded in said second down-loading step; and

a step of displaying the stored information after communication path on the [network] internet is disconnected.

34. (Amended) The image down-loading method according to claim 33, wherein, in said discrimination step, whether or not a client is a registered client, [and] the registered client is discriminated to belong to the first group and a non-registered client is discriminated to belong to the second group.

35. (Amended) The image down-loading method according to claim 33, wherein, in said discrimination step, a client [entered] who enters a correct password is discriminated to belong to the first group, and other clients are discriminated to belong to the second group.

37. (Amended) The image down-loading method according to claim 36, wherein, in said discrimination step, whether or not a client is a registered client, [and] the registered client is discriminated to belong to the first group and a non-registered client is discriminated to belong to the second group.

38. (Amended) The image down-loading method according to claim 36, wherein, in said discrimination step, a client [entered] who enters a correct password is discriminated to belong to the first group, and other clients are discriminated to belong to the second group.

43. (Amended) A computer program product comprising a computer usable medium having computer readable program code means embodied in said medium for down-loading an image to a plurality of clients via [a network] internet, said product including:

first computer readable program code means for down-loading an image;

second computer readable program code means for down-loading information which is independent of the image;

third computer readable program code means for switching from said first computer readable program code means to said second computer readable program code means after a first predetermined period has elapsed; and

fourth computer readable program code means for switching from said second computer readable program code means to said first computer readable program code means after a second predetermined period has elapsed.

44. (Amended) The computer program product according to claim 43, further comprising:

fifth computer readable program code means for causing a client to store the information; and

sixth computer readable program code means for causing the client to display the stored information for a period corresponding to a period during which said second computer readable program code means is to be activated.

45. (Amended) The computer program product according to claim 43, further comprising:

seventh computer readable program code means for causing a client to store the information; and

eighth computer readable program code means for displaying the stored information for a period since a communication path is established on the [network] internet until the image starts to be down-loaded.

46. (Amended) The computer program product according to claim 43, further comprising:

ninth computer readable program code means for causing a client to store the information; and

tenth computer readable program code means for displaying the stored information after a communication path on the [network] internet is disconnected.

47. (Amended) The computer program product according to claim 43, further comprising:

[eleven] eleventh computer readable program code means for determining whether or not a request for down-loading of the image is received [during] when said second

computer readable computer code means is active after a third predetermined period has elapsed since said third computer readable program code means is activated; and

[twelve] twelfth computer readable program code means for switching from said second computer readable program code means to said first computer readable program code means when it is determined that the request is received.

48. (Amended) The computer program product according to claim 43, wherein the clients are classified into a plurality of groups, and the product further comprises [thirteen] thirteenth computer readable program code means for discriminating a group to which a client belongs,

wherein the second predetermined period is shorter for a client which belongs to a first group than for a client which belongs to a second group.

49. (Amended) The computer program product according to claim 43, wherein the clients are classified into a plurality of groups, and the product further comprises [fourteen] fourteenth computer readable program code means for discriminating a group to which a client belongs,

wherein said first computer readable program code means is disabled for a client which belongs to a first group.

50. (Amended) The computer program product according to claim 43, wherein the clients are classified into a plurality of groups, and the product further comprises [fifteen] fifteenth computer readable program code means for discriminating a group to which a client belongs,

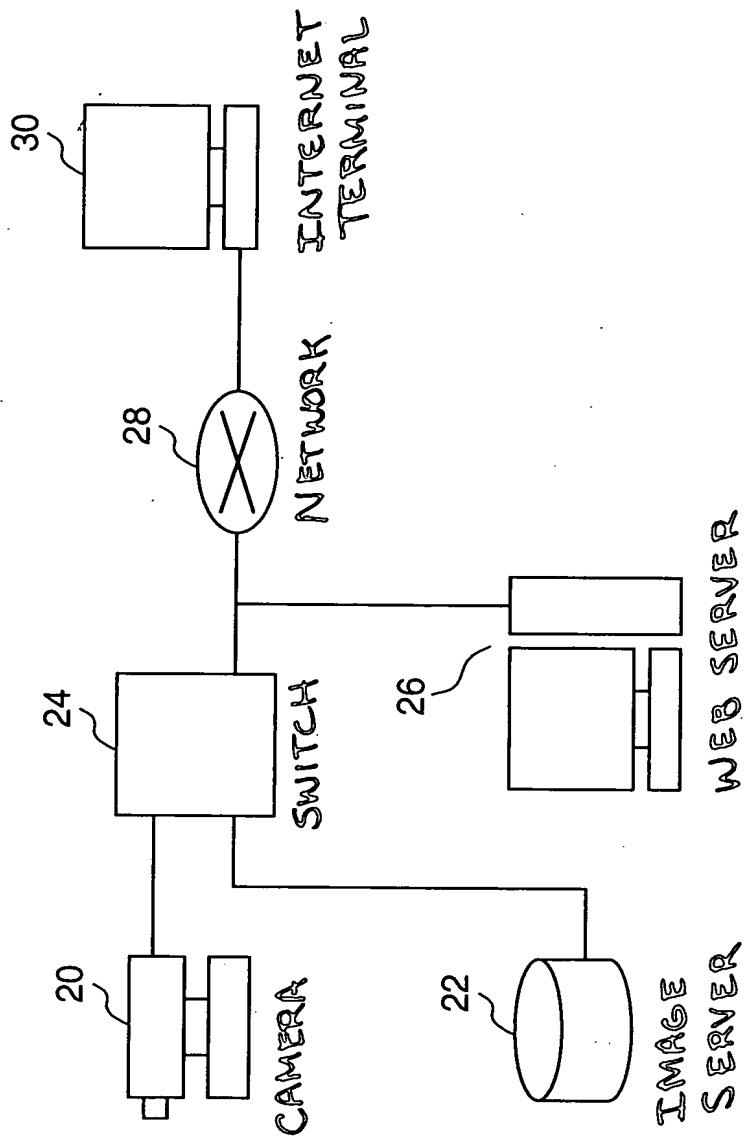
wherein said first computer readable program code means is disabled for a client which belongs to a first group, and the second predetermined period is shorter for a client which belongs to a second group than for a client which belongs to a third group.

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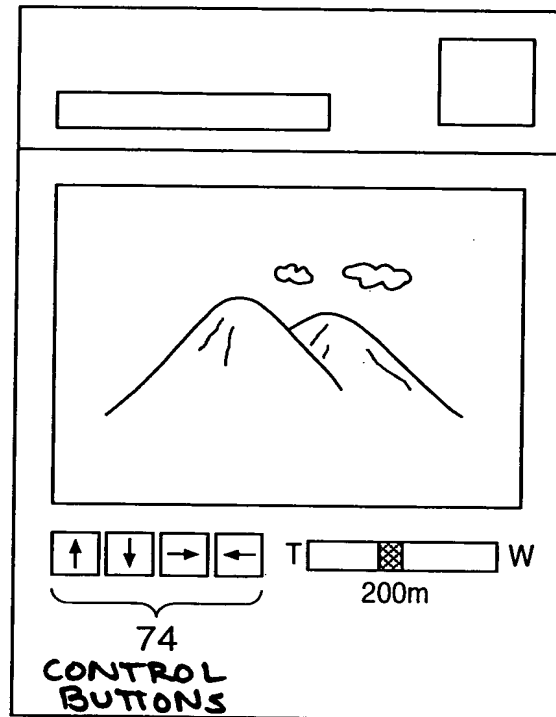
FIG. 1



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FIG. 3



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FIG. 9

